



# **THE ATTORNEY GENERAL OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

October 9, 1957

Mr. K. Lanse Turner, Director  
The Cotton Research Committee  
of Texas  
Box 4190, Tech Station  
Lubbock, Texas

Opinion No. WW-272

Re: May the Cotton Research Committee of Texas use a portion of the contingent appropriation equal to, but not exceeding, the contribution of the U. S. Department of Agriculture in support of, and extension of, the cooperative research project outlined in the attached Memorandum of Understanding?

Dear Mr. Turner:

We quote from your letter requesting an opinion from the Attorney General's Department to the captioned question:

"Attached hereto is a Memorandum of Understanding between the University of Texas and the Agricultural Marketing Service, USDA, pertaining to cooperative research in cotton marketing. It is the opinion of this department that funds from the contingent appropriation may be used to match the contribution of the Department of Agriculture under an extension of the attached Memorandum of Understanding which will be operative during the fiscal year beginning September 1, 1957. . . ."

The Cotton Research Committee was "created and established to cause surveys, research and investigations to be made relating to the utilization of the cotton fiber, cottonseed, and all other products of the cotton plant, with authority to contract with any and all Agricultural Agencies and Departments of the State, and all State Educational Institutions and State Agencies to perform any such services for said Committee and for the use of their respective available facilities, as it may deem proper, and to compensate such Agencies, Departments and Institutions, to be paid from money appropriated by the Legislature for the purposes of this Act, which appropriations of monies for cotton research are hereby authorized;

grants and gifts from the United States or private sources may be accepted for such purposes, and shall be subject only to limitations contained in such grants or gifts." Article 165-4a, Vernon's Civil Statutes.

House Bill 133, Acts 55th Legislature, Regular Session, chapter 385, page 1130, in an appropriation to the Cotton Research Committee, provides, in part, as follows:

"For the Years Ending  
August 31, August 31,  
1958 1959

"1. Administration and General Expense	\$ 14,250	\$ 14,250
"2. Research Programs: General operating expense, including salaries and wages	170,000	170,000
"3. Contingent fund, general operating expenses including salaries and wages, for special research programs	<u>30,000</u>	<u>30,000</u>
Grand Total	\$ 214,250	\$ 214,250
Less-Estimated Funds from Other Sources:		
"4. Other Local Income	<u>15,100</u>	<u>15,100</u>
Net-General Revenue Appropriation	\$ 199,150	\$ 199,150

"It is declared to be the intent of the Legislature that the contingent fund, Appropriation Item No. 3, may be expended by the Cotton Research Committee of Texas only to match in equal amounts research grants to the Committee or the co-operating institutions from private industry or other governmental agencies not supported by the State of Texas from General Revenue Funds. Contingent funds may not be expended by the Committee to match grants received by the Cotton Research Committee of Texas for Research of a private or confidential nature. Only research for public welfare and the results of which will become public information will meet the requirements and restrictions governing the use of the contingent funds, Appropriation Item No. 3. . . .

"In order that the trained personnel and the facilities of the cooperating agencies may be used to the fullest extent for research and investigations relating to the use of cotton, cottonseed and their products, and more fully to comply with the provisions of Chapter 474, Acts of the Forty-seventh Legislature, Regular Session, 1941, and Chapter 451, Acts of the Fifty-first Legislature, Regular Session, 1949, known as the Cotton Research Laboratory Act, the Cotton Research Committee is hereby authorized, to contract with any or all of said institutions to perform such services for said Committee as it may deem proper and to compensate said institution or institutions for the cost thereof from the funds herein appropriated. All funds which may come into the hands of the Cotton Research Committee, for any purpose and from any source, shall be deposited in the State Treasury in a special account and are hereby appropriated to the specific purpose or purposes authorized by the grantor, and may be withdrawn from the State Treasury; provided, however, that the Cotton Research Committee shall not accept and place in the State Treasury any grants as provided under this paragraph which would cause the violation of the specific or the general provisions of this Act which govern the compensation, travel expenses, or other acts of State employees: It is further provided that where any grant exceeds the total cost of the specific project for which it was received, such excess may be returned to the grantor."

We do not excerpt the "Memorandum of Understanding" referred to above, since to do so would unnecessarily prolong this opinion and we are attaching a copy of same hereto.

After a careful study of the "Memorandum of Understanding" we are of the opinion that the research project, as outlined therein, is not violative of Article 165-4a, Vernon's Civil Statutes, or House Bill 133.

Accordingly, you are advised that the Cotton Research Committee of Texas may use a portion of the contingent appropriation equal to, but not exceeding, the contribution of the United States Department of Agriculture in support of, and extension of, the cooperative research project outlined in the attached "Memorandum of Understanding".

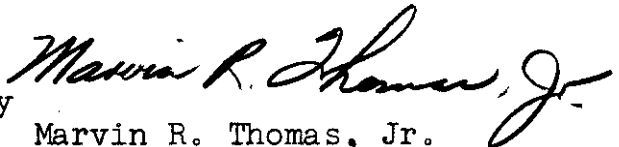
Mr. K. Lanse Turner, page 4 (WW-272)

SUMMARY

The Cotton Research Committee of Texas may use a portion of the contingent appropriation equal to, but not exceeding, the contribution of the United States Department of Agriculture in support of, and extension of, the cooperative research project outlined in the attached "Memorandum of Understanding".

Yours very truly,

WILL WILSON  
Attorney General of Texas

By   
Marvin R. Thomas, Jr.  
Assistant

MRT:zt:wb

APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman  
Wayland C. Rivers  
W. V. Geppert  
J. C. Davis, Jr.

REVIEWED FOR THE ATTORNEY GENERAL

BY: James N. Ludlum